

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATHANIAL GERALD SERRELL
MACK,

Plaintiff,

vs.

PETE RICKETTS, Nebraska State Governor (officially and Individually); DAVID HEINAMEN, Former Governor (Officially and Individually); SCOTT FRAKES, N.D.C.S. Director (Officially and Individually); MICHEL KENNEY, Former N.D.C.S. Director (Officially and Individually); ROBERT P. HOUSTON, Former N.D.C.S. Director (Officially and Individually); MICHAEL ROTHWELL, N.D.C.S. Deputy Director Division of Programs and Community Services (Officially and Individually); DIANE SABATKA-RINE, Deputy Director of Operations (Officially and Individually); ROSALYN COTTON, Nebraska State Parole Board Chair (Officially and Individually); REX RICHARDS, Nebraska State Parole Board Vice Chair Person (Officially and Individually); MARIO PURT, Lincoln Correctional Center Warden (Officially and Individually); ROBERT MADSON, Nebraska State Penitentiary Warden (Officially and Individually); RICHARD CRUICKSHANK, Nebraska State Penitentiary Warden (Officially and Individually); JASON HURT, Nebraska State Penitentiary Associate Warden and Former Lincoln Correctional Center

8:17CV495

**MEMORANDUM
AND ORDER**

Unit Administrator (Officially and Individually); DAVID HARDGRAVES, Lincoln Correctional Center Unit Administrator and former Housing Unit Bravo Unit Manager (officially and Individually); DR. JEFF MELVIN, PH.D. N.D.C.S. Behavioral Health Assistant Administrator for Sex Offender Services and C-Sort (Clinical Sex Offender Review Team) Chair Person (Officially and Individually); DR. STEPHANIE BRUHN, N.D.C.S. Behavioral Health Assistant Administrator for Sex Offender Services and C-Sort Team Chair Person (Officially and Individually); WAYNE CHANDLER, N.D.C.S. Behavioral Health Assistant Administrator for Mental Health Services (Officially and Individually); TAMMY JACKSON, LIMHP N.D.C.S. Mental Health practitioner Clinical Sex Offender Programs Manager and C-Sort Vice Chair Person (Officially and Individually); PAUL RODRIQUEZ, LIMHP N.D.C.S. Clinical Sex Offender Programs Manager and C-Sort Team Vice Chair Person (Officially and Individually); JANE DOE I, Former Nebraska State Penitentiary Mental Health Practitioner II (Officially and Individually); HEATHER JACKSON, Nebraska State Penitentiary Mental Health Practitioner II (Officially and Individually); JERAMY SIMONSEN, Nebraska State Penitentiary Mental Health Practitioner II and former Acting Clinical Sex Offender Programs Manager and C-Sort Vice Chair Person

(Officially and Individually); and TOM PFEIFER, Nebraska State Penitentiary Librarian (Officially and Individually) et al.;

Defendants.

This matter is before the court on Plaintiff's "Motion Requesting Continuance for Pro Se 1983 Amended Complaint." ([Filing No. 20](#).) Upon initial review, the court determined that Plaintiff's Complaint failed to state a plausible claim for relief against any of the Defendants and gave Plaintiff until October 26, 2018, to file an amended complaint which states a plausible equal protection claim against Defendants Dr. Melvin, Dr. Bruhn, Tammy Jackson, Paul Rodriguez, Jeramy Simonsen, Heather Jackson, and Jane Doe. ([Filing No. 19 at CM/ECF p. 25](#).) All other remaining claims were dismissed without prejudice and without leave to amend. (*Id.*) Plaintiff now asks for an additional 90 days to file his amended complaint. Upon consideration,

IT IS ORDERED that:

1. Plaintiff's motion for an extension of time to file an amended complaint ([filing no. 20](#)) is granted. Plaintiff shall have until **January 24, 2019**, to file an amended complaint in accordance with the court's September 26, 2018 Memorandum and Order. **No other extensions shall be granted.**

2. The clerk of the court is directed to set a pro se case management deadline using the following text: **January 24, 2019**: check for amended complaint.

3. The clerk of the court is directed to remove the following Defendants from this action pursuant to the court's September 26, 2018 Memorandum and Order ([filing no. 19](#)): Pete Ricketts, David Heinamen, Scott Frakes, Michel Kenney, Robert P. Houston, Michael Rothwell, Diane Sabatka-Rine, Rosalyn

Cotton, Rex Richards, Mario Purt, Robert Madson, Richard Cruickshank, Jason Hurt, David Hardgraves, Wayne Chandler, and Tom Pfeifer.

Dated this 23rd day of October, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge